

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JERRY LEON DEES, JR.,**

**Plaintiff,**

**V.**

**HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI MOTOR  
AMERICA, INC.,**

## Defendants.

**CIVIL ACTION NO.:  
2:07-cv-00306-MHT-CSC**

**DEFENDANTS' MOTION IN LIMINE AND SUPPORTING AUTHORITIES  
TO EXCLUDE TESTIMONY AND ARGUMENT CONCERNING THE  
SIZE OR RESIDENCE OF THE LAW FIRM REPRESENTING DEFENDANTS**

Defendants Hyundai Motor Manufacturing Alabama, LLC (“HMMA”) and Hyundai Motor America, Inc. (“HMA”) (collectively “Defendants”), through undersigned counsel, respectfully move this Court *in limine* for an Order directing Plaintiff, his witnesses, and his attorneys not to mention or bring before the jury, either directly or indirectly, upon voir dire, reading of the pleadings, statement of the case, interrogation of witnesses, argument, or objections before the jury of any of the following without first having called such matters to the Court’s attention, out of the presence of the jury, and obtained a favorable ruling as to the admissibility of any such matters.

This motion in limine is specifically directed to any testimony, comments, or arguments relating to where Defendants’ attorneys reside, size of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. (“Ogletree”), the nature of its practices, the locations of its offices, or the number of attorneys who work for Ogletree. This would include any attempt to read to the jury the

names of Ogletree's lawyers or any other reference to the size of Defendants' counsels' law firm in relation to the law firm representing Plaintiff. In support of this motion,<sup>1</sup> Defendants state:

1. Introduction of evidence of this nature is irrelevant and would be intended solely to unfairly prejudice Defendants in the presentation of their case in an attempt to persuade the jury that there was a disparity between Plaintiff's and Defendants' representation or disparity of wealth between Plaintiff and Defendants. Fed.R.Evid. 401, 402, 403.

2. Further, Defendants respectfully request that the Court also refrain from making mention of such items in the presence of the jury, including in its introduction, if any, of the parties and or their attorneys of record.

WHEREFORE, premises considered, Defendants request that this Court enter an Order precluding Plaintiff, Plaintiff's witnesses, and Plaintiff's attorneys from introducing into evidence or giving any testimony concerning or, in the presence of the jury, making any comment or argument relating to where Defendants' attorneys reside, the size of Ogletree, the nature of its practices, the locations of its offices, or the number of attorneys who work for such firm. Likewise, Defendants ask the Court to also refrain from making mention of any such issues or items in the presence of the jury. Lastly, Defendants request that the Court give limiting instructions at the appropriate times to avoid the concerns addressed by Fed.R.Evid. 403.

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<sup>1</sup> In order to streamline the pleadings in this action, Defendants have included the applicable authorities in support of this motion in limine. Defendants respectfully request that this pleading be considered both as a motion and supporting brief.

Respectfully submitted this 31st day of March, 2008.

/s/ J. Trent Scofield

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J. Trent Scofield (SCO-024)  
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**Pro Hac Vice Granted 05/15/07**

Attorneys for Defendants Hyundai Motor  
Manufacturing Alabama, LLC and  
Hyundai Motor America, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of March, 2008, I electronically filed the foregoing *Defendants' Motion in Limine and Supporting Authorities to Exclude Testimony and Argument Concerning the Size or Residence of the Law Firm Representing Defendants* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: W. Perry Hall, Vincent F. Kilborn, III, David Allen McDonald, Jeffrey Rayborn Sport, Timothy A. Palmer, T. Scott Kelly, and Matthew K. Johnson.

/s/ J. Trent Scofield

J. Trent Scofield (SCO-024)